

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, October 1, 2007 at 3:00 p.m. in their offices, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chair; Phyllis Forbes, Dan South and Scott Heath

Members Absent: None

Call to Order

Chairman Poteat called the meeting to order at 3:08 p.m.
Scott Heath offered prayer.

Public Comments

There were no comments from the public.
Chairman Poteat stated that tonight's meeting will be continued at the Board of Education at 5:30 p.m. for a Joint Meeting with them.

Public Hearings

Chairman Poteat advised that we have scheduled a Public Hearing on the High Impact Protection Ordinance on October 15, 2007 and another one on that same subject on October 29, 2007. Both hearings are scheduled for 5:00 p.m. here in this Board Room.

Tax Collector Report – Phillip Barrier

Phillip Barrier, Tax Assessor, presented the Tax Collector Report in the absence of Mary Daniels. Phillip reported a revised tax collection amount of \$981,185.06 through September 28, 2007.

Tax Assessor Report – Phillip Barrier

Real & Personal Releases

Tax Releases were presented in amount of \$183,782.06 and Fire Tax of \$19,901.46.
The Assessor explained the reason for the high amount of releases was due to an airplane being put on the books for \$49,500,000.00 by mistake. The value should have been \$4,950,000.00. He advised that next year his office will run a special airplane report before the tax bills go out.

Motion by Susan Pittman and second by Scott Heath to approve the Real & Personal Releases as presented. Motion unanimously approved.

Motor Vehicle Releases

Motor Vehicle Releases were presented in amount of \$55.96 with Fire Tax of \$4.45.

Motion by Phyllis Forbes and second by Dan South to approve the Motor Vehicle Releases as presented. Motion unanimously approved.

Motor Vehicle Refunds

Motor Vehicle refunds were presented in amount of \$6.69 with Fire Tax of \$0.53.

Motion by Susan Pittman and second by Scott Heath to approve Motor Vehicle Refunds as presented. Motion unanimously approved.

Phillip Barrier expressed appreciation to the board for allowing him to fill a vacant position in his department. For the past few years, the other employees in our department have taken on those duties; however, technology has changed and our office has changed and now we need more help to measure new construction, Phillip said.

Phillip advised that he was recently elected President of the Assessor's Association for the Piedmont section of the state. Our first meeting is at Grandfather GCC on October 10. They are allowing us to use their facility to host the meeting. We will be talking about golf courses and golf course appeals during that meeting, Phillip said. We will discuss how each county assesses golf courses so there will be more equity across the state. The Western Association will try to get everybody on the same page so we won't have a big discrepancy in values of golf courses across the state.

Revaluation

Phillip Barrier also advised that our county did a Revaluation in 2006; we are mandated to do one every 8 years. We are currently doing neighborhood reviews in my office, he said. We have not officially set the date for the next Revaluation, but we will keep watching the sales ratio. Our current practice is to hold a Reval every 4 years, so our next Reval would be in 2010 if we stay with the 4-year cycle. Sales have been funny recently though, so we need to keep a close watch on it, Phillip said.

Elderly Exemption

Phillip advised that some Elderly Exemption changes are going to be coming up in the General Assembly and that there will be a meeting about that in November. Chairman Poteat advised he has met with Region D and Tracy Walker about this issue as well and that there will be some changes with this exemption which will make it even broader. Phillip said that he would report on this matter again in December.

County Manager Report – Robert Wiseman

EMS Services

Robert Wiseman advised that due to the response time to the Green Valley community that we have appropriated funds to get an EMS station down there this year. Jerry Turbyfill has put together a program to house a QRV in Green Valley. Due to the small number of calls in that end of the county, we cannot justify an ambulance with a full crew, Wiseman said. The new EMS Station will be located on Riverside School property and there will be about 300-400 feet between the school and the Station. We hope that this project comes to fruition next spring, Wiseman said. The EMS Station will be 36 x 16 and will have 2 bedrooms, a living room, bath and kitchen. Wiseman advised that the QRV would arrive at the scene first, and then an ambulance is paged out. Susan Pittman said she talked to an EMS crew in Mitchell County who was telling her how badly we need a station down in that end of the county. Dan South said he is happy for the QRV, but does not think it meets the requirements. I think it is too long of a response time from Newland to Ingalls and I don't think an ambulance can get there in 15 minutes. Susan Pittman agreed that an ambulance is needed in the south end of the County. Dan said we need to re-look at our entire EMS system because it does not make sense for an ambulance to be in the center and work its way out. It seems the ambulance needs to be on the outside and work its way in, so there is just a one-way trip to the hospital. There is too much travel time with the system we now have. As time goes on, the people down there deserve the same service as the people in Newland, South said. They are all taxpayers. This is a good starting point though to have a QRV, South said. We might want to address what Dan is saying, the Chairman said, but most definitely in the coming budget year we can discuss it. He added that we need to consider what Dan was recommending about working from the outside instead of the center. Discussion regarding the current EMS Station in Banner Elk and how it was originally established and funded.

Banner Elk Day Care Facility

Robert Wiseman advised that at the last meeting the Board decided that the expense of fiscal and physical resources at this site when we only had a 3-year permit needs to be revisited. Wiseman said that he has met with the Banner Elk Town Manager and the Corps of Engineers about this project. We have a permit from them to put the culvert in the creek, and as soon as it gets here, we will put it in. Wiseman presented the Board with a draft of a letter he has prepared to send to the Banner Elk Town Council and Town Manager regarding the Day Care project, adding that if the Board has any issues with his sending the letter to let him know, or if they feel any changes are in order to let him know. We need more assurance on several issues than we have had in the past, Wiseman said. I think that we are extending the olive branch with this letter, Wiseman said. This letter just states the position of the Board on this matter. We will have a sizeable investment of around \$250,000 in this project, including the worth of this facility itself of around \$190,000. This is not just an ordinary mobile structure, it is built to code specifically for Day Care and meets those codes. Depending on how Banner Elk handles the exemption of some of their fees, the building could not cost us anything and we also have the \$50,000 flood monies to use for the facility, Wiseman said. Wiseman said that our Inspections Department thinks that this unit will qualify as a modular unit rather than a mobile unit because it is a specifically designed and built facility. Our Inspections Dept. is looking into that issue. The Day Care property is now tax exempt and would go back on the tax base. The Board read over the letter and had no problems with it. Wiseman added that this letter also serves as formal notice to Banner Elk of our request to withdraw our petition for annexation with the Town of Banner Elk. The Chairman advised that if the Board has no problems with this letter, then we will approve it by consensus and the Manager can proceed. Wiseman reassured the Board that before we start moving buildings, etc., that he has a letter from Padgett & Freeman Architects stating their opinion that this would have no negative impact on the proposed school construction at Banner Elk. However, they are the architect, not the empowering

agency--that is the State Board of Education. Before we did anything and started committing to this project, we would feel a lot more comfortable if we had somebody to say that it is alright. Poteat added that we would never do this project if we felt that it would jeopardize the school project. This issue will be discussed further with the Board of Education at our joint meeting tonight, Poteat said.

Wiseman added that some of the folks in Banner Elk have expressed concern about the amount of acreage needed for the school. Ten acres is the minimum required, with another acre per 100 students is the recommendation of the State Board, Wiseman said.

Michaelle Poore advised that if the time comes that the Town of Banner Elk deeds the property (Old Day Care Center) back to the County, the deed cannot contain any restrictions or covenants on the title if the County is going to resell the property. The County needs to accept it with no restrictions to the deed and no clouds on the title. Banner Elk cannot sell the property as it is unless someone wants to operate the property as a Day Care, Michaelle said. Discussion on how the current Day Care building is zoned. The County Attorney recommended some wording in the letter to protect the County so there is an understanding that there can be no clouds on the title.

Wiseman asked if the changes in wording of this letter to Banner Elk are in order according to the Board. The Chairman advised that they are. Plus, he said that some new things will be gleaned today at the Board of Ed meeting, especially concerning the amount of space required for the new school. Scott Heath recommended checking on the zoning of the old Day Care Building as well.

Little League Ballfields

Susan Pittman said that she doesn't think that any of our elementary schools have a place for the Little League Football teams to practice football. She said that several parents have come to her because they are upset about the equipment for Little League Football. Some of the helmets the kids are using are 15 years old and have been outlawed for use in Tennessee, she said. Dan South said that is correct, that he has seen these helmets himself. Susan said that in all of our surrounding counties have a place for Little League to practice, but our teams don't have. Dan said that on the School Board Agenda tonight there is an Agenda Item for a Memorandum of Understanding by the Avery County Recreational Advisory Council. Susan said she would like to discuss that issue tonight because the parents are upset with the board members and especially some of the ones who handled the money. The parents want to know where all the money went that was collected at all of their ballgames. Some of these members have been on that board for years and years, Pittman said. South said that we have been trying to do this for over two years now. He recommended that Pittman come to their next Recreation Advisory Council Meeting. He said that if the Commissioners and the Board of Education will sign the Memorandum of Understanding tonight, then we can fix this problem. South said that there have been a number of parents who have complained about this equipment and want to know what has happened to all the fees that were collected and how they were spent.

Recess

The Board took a brief recess at this time.

County Manager Report – Continued

Friends of the Avery Animal Shelter - Update

Wiseman advised that we recently had a group of individuals at our meeting representing the Friends of the Avery Animal Shelter. Their request was to do some information gathering and to develop a proposal to bring to this Board for consideration. Wiseman has met with that group on an informal basis since then. He said he went to Heritage Park site last week. He added that there is nothing in writing yet, but he has an idea of what could be forthcoming regarding this project. They are considering requesting the County for a certain amount of property, probably about 3 acres. I have provided them with topographical photos and orthophotos that show the boundary lines, etc. I cannot speak for them, but I think I would be safe in saying that their intent at this point is to purchase some adjoining property in an amount equal to or greater than the amount that they would ask for from the County. They have hired a local architect and their plan is to construct an animal shelter, not to be confused with the Humane Society. It would not be an operation run by the Humane Society, rather it would be a cooperative effort, Wiseman said. This will not be a metal building. It will be a facility in excess of \$2 million dollars that would be operated by this non-profit entity. There will be trust funds to offset the costs not covered by the revenue generated by the Spay/Neuter Program, vaccinations, etc. The building would be constructed in such a way that it would not present any kind of negative impact on Heritage Park, but quite the opposite, it would enhance that operation. It would not prohibit the use of any of the walking trails but would probably create some additional parking for the Fair, Wiseman said. I am speaking from my own perspective and what I have heard about this project, Wiseman said. These folks are working

diligently to get a proposal to bring back to this Board for approval. There are a lot of rumors, but I don't know what is going to happen until we see what is proposed by this group, Wiseman said. This group has also met jointly or individually with all the members of the Fair Board to get their input and see how they feel about the project.

Current Banner Elk Day Care Zoning

The Clerk to the Board advised that the Banner Elk Town Manager advises that the old Banner Elk Day Care property is zoned GO (Government Office District). All of the Town property is zoned as GO. Discussion on requesting that Banner Elk re-zone this property to educational, etc.

Rock at Avery High School – Dan South

Dan South mentioned the Rock Project at the High School since that issue will come up tonight in our joint meeting. He advised that Mike Eggers has agreed to donate 250-300 tandem truckloads of dirt to fix that field. However, there is still about 5 feet of rock sticking up. Mr. Garrett says if the rock is not taken down another 5 feet that it will need another 200 or 300 loads of dirt to get the field level (500-600 truckloads of dirt altogether). Mr. Eggers would charge the school around \$14,000, which would be the highest estimate, to blast that rock. That is all that he would charge the school for that job, Dan said. I think that we will be asked to help tonight on this project, South said. Mr. Garrett has a plan for this project and the reason he wants to do it as quickly as he can is so they can get the dirt in there, get some grass seed sewn this fall, so the girls' soccer team will have a place to practice in the spring. They will play their games at Lees McRae, but they need a place to practice because the football field will be torn up at that point in time.

Robert Wiseman advised that the removal of that rock was done without blasting because the School Board would have no part of it because they were afraid it would crack the foundation. The removal of the rock was limited to that which could be done mechanically. That rock was about 30 feet high to begin with and now it is just a hump. South said that since it is not up in the air now, it can be blasted with a lot less dynamite. It was described to me that people going by at the time of blasting would not notice anything more than the sound of something like firecrackers going off, South said. Mr. Eggers explained that they could probably even do it while school was in session and nobody would even notice, not that they would do it during school hours.

Tim Greene added that we have spent about \$67,000 to date on that project. Poteat added that it is still not usable. Dan said he and Robert have discussed tying this project in with Parks/Recreation and putting in handicapped parking, etc. If we time it right, we might be able to use Eggers' contribution for this as matching funds in the grant application, Dan said. Dan added that he is going to try to get some funds to refurbish the tennis courts as well as the field.

Avery High School Band- Fund Raising

Phyllis Forbes asked how the fund raising project was going. Robert Wiseman said he told Gerald Arthur's wife that we needed to know before tonight's meeting if they got the \$22,000 for the first part of their payment. Dan South advised that Gerald Arthur will be at the joint meeting tonight.

County Attorney Report – Michaelle Poore

Michaelle Poore advised that she has nothing to add from the last meeting and what was already discussed today.

Chairman Poteat asked her about the document which David Huskins, representing Citizens for Wildcat Cliffs, had passed to her and the Board last week at our Workshop Session on the High Impact Ordinance. Ms. Poore advised that she has gone over it and has some calls out to people about some of the things in that document. She has incorporated some of the changes which the Board has discussed and made in the existing proposed document, but is not sure if she will have all of the changes that were set forth at our last Workshop done by our next Workshop. She added that she also needs to talk with Tommy Burleson and Mr. Lacey about some things.

Approval of Minutes

Motion by Susan Pittman and second by Scott Heath to approve the Minutes of the September 17, 2007 Regular Meeting of the Board. Motion unanimously approved.

Agenda Consent Items

Strategic Leadership School - Discussion on deadline to register for this school in Chapel Hill. The Board was asked to let the Manager or the Clerk know if they plan to attend this one-day school to be held in November.

The Board approved the Agenda Consent Items by consensus.

The Chairman advised that at a later date, he and the Manager would share with the other Board Members what they learned at the Land Transfer Tax and additional sales tax school they went to in Raleigh recently.

Land Transfer Tax

Robert Wiseman stated that one of the items for discussion tonight with the Board of Education is the Land Transfer Tax/Sales Tax. When you look at the dollar figures, which vary from county to county, and due to the fact that we have a retail market in Avery County that is insignificant to our real estate market when comparing the two, there is no decision to be made. You are talking about in excess of \$1.1 million dollars that we would receive from the Land Transfer Tax vs. \$500,000 on Sales Tax, the Manager said. We do need to hold a meeting of all the stakeholders such as Board of Education and some County Department Heads, Wiseman said. The majority of those proceeds will go for school capital needs, which is exactly where we are headed. The Commissioners are under no obligation as to how they choose to spend these monies. We would have to have a campaign at some point to make sure the public is educated on the legality of this situation so they can make an informed decision when it comes time to vote. We have no choice on the ballot except to show them their options, yes or no. You could have both of those things on the ballot, but you could only have one of them imposed at a time. We need to discuss how we are going to proceed with this, Wiseman said.

Upcoming Meetings

Upcoming Meetings were discussed. Workshop on High Impact Ordinance on Oct. 3, 2007 at 3 pm; October 15, 2007 Regular Meeting; October 15 Public Hearing on High Impact Ordinance at 5 pm; October 28 Public Hearing on High Impact Ordinance, if needed- 5 pm. Also, the Month of November starts one Regular Board Meeting per month.

Adjourn

Motion by Scott Heath and second by Dan South to adjourn this meeting at 4:38 p.m. Motion unanimously approved.

The Board will reconvene in a Special Joint Meeting with the Board of Education at 5:30 p.m. tonight.

Kenny Poteat, Chairman
Avery County Board of Commissioners

ATTEST: _____
Nancy H. Cook, Clerk to the Board